

Attorney Docket No. VB60298

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Garcon et al.

November 1, 2007

Serial No.: 10/560,513

Group Art Unit No.: 1645

Filed: December 13, 2005

Examiner: J. E. Graser

For: POLYANIONIC POLYMER ADJUVANTS FOR HAEMOPHILUS
INFLUENZA B SACCHARIDE VACCINES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This paper is in response to the Restriction Requirement mailed May 2, 2007, having a shortened statutory period for reply of 1 month. Applicants hereby petition for a five-month extension of time for response from the date of the Examiner's action. Claims 1-35, 37, 39, 41-48, 51, and 53-59 are pending in the application. Claims 1-35, 37, 39, 41-48, 51, and 53-59 are subject to a restriction requirement and/or election requirement. Applicants desire to reply as follows.

Restriction to one of the following is required under 35 U.S.C. §121 and 372:

Group I. Claims 1-34, drawn to an immunogenic composition comprising a capsular polysaccharide or oligosaccharide of H. influenzae B (PRP) and a polyanionic polymer.

Group II. Claim 35, drawn to a method of treating or preventing H. influenzae B disease comprising administering a vaccine comprising an immunogenic composition comprising a capsular polysaccharide or oligosaccharide of H. influenzae B (PRP) and a polyanionic polymer and one or more further antigens.

- Group III. Claims 37, 39, and 41-48, drawn to a method to reduce the immunological interference of a *Haemophilus influenzae* B capsular polysaccharide or oligosaccharide (PRP).
- Group IV. Claims 51 and 53-58, drawn to a kit comprising a first immunogenic composition comprising a *Haemophilus influenzae* B capsular polysaccharide or oligosaccharide (PRP), and a polyanionic polymer; and ii) a second immunogenic composition comprising one or more antigens adsorbed onto an adjuvant with a zero point charge greater than 8.
- Group V. Claim 59, drawn to an immunogenic composition comprising a saccharide antigen with PI less than 3, and a polyanionic polymer.

REMARKS

Applicants wish to make a provisional election of Group I, i.e. claims 1-34, with traverse. Applicants have also been requested to make an election of species for claims 19-21, 23-26, 29, 31-32. Applicants wish to make a provisional species election of the antigens recited in claim 23, namely DTPw (diphtheria toxoid, tetanus toxoid and inactivated whole-cell *B. pertussis*) and DTPa (diphtheria toxoid, tetanus toxoid and acellular *B. pertussis* antigens) with traverse. The claims readable on the elected species are 1-19, 23-24, 26-31, 33-34.

Applicants wish to make Applicants retain the right to file divisional applications directed to the non-elected subject matter should the restriction requirement become final. Authorization is hereby granted to charge any fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 19-2570.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey A. Sutton". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Sutton" clearly distinguishable.

Jeffrey A. Sutton
Attorney for Applicants
Registration No. 34,028

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-6316
Facsimile (610) 270-5090
N:\jas\pto\vb60298\Restriction_Requirement.doc